

Message

From: Tuori, Thomas [ttuori@hselaw.com]
Sent: 10/3/2019 12:46:55 AM
To: Daly, Eric [Daly.Eric@epa.gov]
CC: Sam Talarico [sam.talarico@cbintegrity.com]; Ludmer, Margo [ludmer.margo@epa.gov]
Subject: RE: 738 Upper Mountain Road Property Owner Insurance Certificate [HSELAW-WORKSITE.FID715352]

Thank you.



Thomas M. Tuori
Harter Secrest & Emery LLP, Attorneys and Counselors
1600 Bausch & Lomb Place, Rochester, NY 14604-2711
Firm 585.232.6500 Direct 585.231.1449 Fax 585.232.2152
ttuori@hselaw.com [vCard](#) [Bio](#)
www.hselaw.com

From: Daly, Eric [Daly.Eric@epa.gov]
Sent: Wednesday, October 02, 2019 8:26 PM
To: Tuori, Thomas
Cc: Sam Talarico; Ludmer, Margo
Subject: Re: 738 Upper Mountain Road Property Owner Insurance Certificate [HSELAW-WORKSITE.FID715352]

CAUTION: External email. Beware of links and attachments.

Hi. The purpose of the boundary identification is to avoid the parcels on each side of Talarico's using the data we have gathered from various sources. We will identify the adjoining lines of those properties and any area in the southern portion of the Talarico property we agree can be used as staging. Regardless of the complexity of the survey we create, you will receive the product.

Regards,

Eric M. Daly
On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II
SEMD/RPB/PPS
[2890 Woodbridge Avenue](#)
[Edison, NJ 08837](#)
daly.eric@epa.gov
[908-420-1707](tel:908-420-1707)


"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

On Oct 2, 2019, at 5:54 PM, Tuori, Thomas <ttuori@hselaw.com> wrote:

Thanks Eric. This all sounds good. Mr. Talarico signed the new access form and I will forward it tomorrow.

Will your contractor be doing an actual survey of the property boundaries? If so, we would like to see the results.

Thanks again,
Tom


Thomas M. Tuori

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ttuori@hselaw.com vCard Bio
www.hselaw.com

From: Daly, Eric <Daly.Eric@epa.gov>

Sent: Wednesday, October 02, 2019 5:08 PM

To: Tuori, Thomas <ttuori@hselaw.com>; Sam Talarico <sam.talarico@cbintegrity.com>

Cc: Ludmer, Margo <ludmer.margo@epa.gov>

Subject: 738 Upper Mountain Road Property Owner Insurance Certificate

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Thanks everyone. I provided the information for the certificate to our contactors. Once received, I forward it on. I wrote a recap below. Please let me know if you have any questions or concerns

Proposed Plans to date:

- We have draft **removal action** access forms presented to both Talarico property representatives and Niagara County. We have an existing signed **assessment access form** for the Talarico property, so we are still OK with the original document for our proposed activities the week of October 21st.
- Our contractor will ensure the utility mark out is conducted prior to our site visit. The mark out is only good for 10 days and will perform again prior to removal action. This is solely being performed for visual planning purposes.
- Revised/update insurance certificate requested from EPA contractor
- October 21st at 9:00 AM, property representatives and EPA meeting
 - Location
 - Lewiston Town Hall
Main Conference Room
1375 Ridge Road
Lewiston, New York 14092
 - EPA will have a presentation and bring a projector.
- The week of October 21st our contractor will identify/mark the property boundaries between the three parcels. This will most likely occur October 21st or October 22nd.
- We would like to walk into the wooded areas of the Talarico property to obtain an idea of where we will clear a pathway from the driveway to the rear of the Talarico property for staging. This is future work and not for October 2019. This clearing would be done on Talarico property and not impede on parcels 115.08-1-26 and 115.08-1-28. If feasible, I would like

Mr. Talarico to join us on the walk so we can discuss the proposed plans as we view the property in person. We will need to dress appropriately for the walk in the woods. (Long pants, closed toe shoes, insect repellent).

- In addition, we will need to take a sample from the area of concern on the Talarico "driveway" and a background sample (soil sample from Talarico property that doesn't exhibit elevated gamma readings) for disposal facility criteria. The samples we obtained in 2016 were for radiological analysis only and not for non-radiological hazards that we need to analyze for prior to disposal. This will be performed using a hand auger and will most likely occur October 21st or October 22nd.

Regards,

Eric M. Daly

On-Scene Coordinator/Radiological Response Specialist

US Environmental Protection Agency- Region II

SEMD/RPB/PPS

2890 Woodbridge Avenue

Edison, NJ 08837

daly.eric@epa.gov

908-420-1707

"We must, indeed, all hang together, or assuredly we shall all hang separately",
Benjamin Franklin

From: Tuori, Thomas <ttuori@hselaw.com>

Sent: Wednesday, October 02, 2019 11:28 AM

To: Sam Talarico <sam.talarico@cbintegrity.com>

Cc: Daly, Eric <Daly.Eric@epa.gov>; Ludmer, Margo <ludmer.margo@epa.gov>

Subject: RE: 738 Upper Mountain Road Property Owner Insurance Certificate

Thank you Sam.

Thomas M. Tuori

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1600 Bausch & Lomb Place, Rochester, NY 14604-2711

Firm 585.232.6500 Direct 585.231.1449 Fax 585.232.2152

ttuori@hselaw.com vCard Bio

www.hselaw.com

From: Sam Talarico <sam.talarico@cbintegrity.com>

Sent: Wednesday, October 02, 2019 11:26 AM

To: Tuori, Thomas <ttuori@hselaw.com>

Cc: Daly, Eric <Daly.Eric@epa.gov>; Ludmer, Margo <ludmer.margo@epa.gov>

Subject: Re: 738 Upper Mountain Road Property Owner Insurance Certificate

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That's fine. Address should be 969 Little Vista Dr, Lewiston, NY 14092

Sent from my iPhone

On Oct 2, 2019, at 11:08 AM, Tuori, Thomas <ttuori@hselaw.com> wrote:

Thanks Eric. The company name for the certificate should be "Talarico Bros. Building Corp." I think one certificate is fine, but defer to Sam on that and the address.

Thomas M. Tuori
Harter Secrest & Emery LLP, Attorneys and Counselors
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ttuori@hselaw.com vCard Bio
www.hselaw.com

From: Daly, Eric <Daly.Eric@epa.gov>
Sent: Wednesday, October 02, 2019 10:58 AM
To: Tuori, Thomas <ttuori@hselaw.com>; Ludmer, Margo <ludmer.margo@epa.gov>
Cc: sam <sam.talarico@cbintegrity.com>
Subject: 738 Upper Mountain Road Property Owner Insurance Certificate

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Good Morning Tom and Sam:

In regard to the revised insurance certificate, can the two entities (Sam Talarico & Talarico Brothers, Inc.) go on one insurance certificate or do you need them to be separate? Also, to confirm, the address provided for the 2016 certificate (8675 Lozina Drive, Niagara Falls, NY 14304) is the same for both?

Thanks.

Regards,

Eric M. Daly
On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II
SEMD/RPB/PPS
2890 Woodbridge Avenue
Edison, NJ 08837
daly.eric@epa.gov
908-420-1707

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

From: Daly, Eric

Sent: Monday, September 30, 2019 4:11 PM

To: Tuori, Thomas <ttuori@hselaw.com>; Ludmer, Margo <ludmer.margo@epa.gov>

Cc: sam <sam.talarico@cbintegrity.com>

Subject: RE: 738 Upper Mountain Road Property Access Document [HSELAW-WORKSITE.FID715352]

Thanks Tom. I will leave the revision of the access document question for Margo. However, we did provide separate documents in the past that (certificate of liability insurance). At least with our contractor, Weston. Please see the 2016 Weston document attached and let me know if a similar document with that wording will be sufficient. We have some time to work through this until the removal action mobilization. We will not be performing any of those activities the week of October 21st.

Regards,

Eric M. Daly

On-Scene Coordinator/Radiological Response Specialist

US Environmental Protection Agency- Region II

SEMD/RPB/PPS

2890 Woodbridge Avenue

Edison, NJ 08837

daly.eric@epa.gov

908-420-1707

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

From: Tuori, Thomas <ttuori@hselaw.com>

Sent: Monday, September 30, 2019 3:33 PM

To: Daly, Eric <Daly.Eric@epa.gov>; Ludmer, Margo <ludmer.margo@epa.gov>

Cc: sam <sam.talarico@cbintegrity.com>

Subject: FW: 738 Upper Mountain Road Property Access Document [HSELAW-WORKSITE.FID715352]

Hi Eric and Margo,

I have copied Sam on this note.

I assume, based on prior communications, that we have limited ability to negotiate revisions to this access document. Given that – and your pending mobilization and the fact that your work this time may involve remediation (and not just screening/sampling) – I'm wondering if it would be possible to make just one change: can we please add language to the effect that EPA's contractors will name Talarico Bros. Building Corp. and

Sam Talarico as additional insureds on their insurance and that insurance certificates will be provided prior to mobilization?

Thank you for your consideration.

Tom

<image001.jpg>

Thomas M. Tuori
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ttuori@hselaw.com vCard Bio
www.hselaw.com

From: Daly, Eric <Daly.Eric@epa.gov>
Sent: Monday, September 30, 2019 2:17 PM
To: Tuori, Thomas <ttuori@hselaw.com>; Ludmer, Margo <ludmer.margo@epa.gov>
Subject: 738 Upper Mountain Road Property Access Document

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Good Afternoon Tom:

Attached is the draft property access document. Please let Margo and I know if there are any questions from your group.

Thanks

Regards,

Eric M. Daly
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SEMD/RPB/PPS
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Edison, NJ 08837
daly.eric@epa.gov
908-420-1707

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